

21. (Currently Amended) The tether according to claim 1 wherein the at least one flexible anchor section is of insufficient length to encircle the neck or appendage in conjunction with the at least one relatively stiffer section.

Attached are amendments in accordance with format requirements of the USPTO.

COMMENTS

Examiner states:

I. Claims 1-4, 8, 9, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Seiger, US Patent 2,499,930.

II. Claims 1 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Suh in US Patent 6,386,490; and

III. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being obvious in light of Seiger, US Patent 2,499,930.

I. Seiger

Seiger teaches "A plane plate 2 of suitable proportion and weight to be quite stable" that "has affixed at one end a perpendicular tube 3" (Column 1 lines 44-46). Plate 2 sits on, rather than connects to, an anchor, for example highchair (Fig. 2) or bed (Fig. 3).

In distinct contrast, amended Claim 1 of the instant application claims: "at least one flexible anchor section ... adapted to connect to an anchor".

II. Suh

Suh teaches a "flexible arm member 12" that "can be secured at the attachment end 14 to an object, such as a baby crib" so that "baby bottle 200 is near the mouth of the baby." (Column 4, lines 66, 67 to Column 5, lines 1-4)

"Flexible" is defined by the Oxford dictionary © 2005 (www.askoxford.com) as "capable of bending easily without breaking".

Additionally, Suh teaches "snap on" clips 30 and 32 (Column 4, line 31) that attach frame member 18 at a fixed angle to stroller 202, thereby supporting bottle 200 (Fig. 1). The very choice of "snap on" in describing clips 30 and 32, provides prima facie evidence that clips 30 and 32 differ significantly from flexible arm member 12 and from the instant invention.

There is good reason for the significant difference in description of clips 30 and 32 vis-à-vis flexible arm 12, as evidenced from Suh's figures:

1. Member 18, in essence, is a long lever arm while clips 30 and 21 are very close to the fulcrum provided by the front surface of stroller 202. The ratio of long lever arm member 18 to short clips 30 and 32, imparts a full bottle 200 with a mechanical advantage that exerts significant disengagement force on clips 30 and 32.
2. A baby's natural manipulation of bottle 200 during play and feeding, as multiplied by the above-noted ratio, significantly increases the disengagement force on clips 30 and 32.
3. Jarring and bumping as carriage 202, for example is wheeled down stairs, would further multiply the disengagement force.

"Snap on" is defined by Miriam Webster Online Dictionary © 2005 as "to snap into position and fit tightly". Based on the above, clips 30 and 32 must not only "snap on" and "fit tightly", but be very strong and virtually *inflexible* to all but the heftiest bending force applied by an adult during attachment of clips 30 and 32 to stroller 202.

Without being strong and inflexible, clips 30 and 32 may displace under normal operative forces, particularly in the presence of material fatigue following continued use of adjustable holder 10 over a long time period. Disengagement of clips 30 and 32 could result in tragic consequences for a baby and untold anguish to a parent.

In distinct contrast, amended Claim 1 of the instant invention claims:

"at least one flexible anchor section extending from the second end of the elongate relatively stiffer section..."

III. Allowability of Dependent Claims

Applicant submits that now that amended Claim 1 is distinguished from both Sieger and Suh, all dependent claims thereby become accepted.

Applicant expresses appreciation to Examiner for confirming receipt of the Election of Species document.

Favorable allowance of claims 1-4, 8, 9, 13, 15-17 and 21-24 as amended, is respectfully awaited.

Respectfully submitted,

David Medwed May 15, 2005
David MEDWED Date

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